

David M. Poore, SBN 192541
Scott A. Brown, SBN 177099
dpoore@kahnbrownlaw.com
KAHN BROWN & POORE LLP
110 Kentucky Street
Petaluma, California 94952
Telephone: (707) 763-7100
Facsimile: (707) 763-7180

Attorneys for Plaintiffs and Proposed Class

Andrew H. Baker
abaker@beesontayer.com
Beeson, Tayer & Bodine
1404 Franklin Street, 5th Floor
Oakland, CA 94612
Telephone: (510) 625-9700 ext. 300
Facsimile: (510) 625-8275

Attorneys for Defendants
Teamsters Local 856, Joseph Martinelli

Richard Gibson, Esq.
rgibson@teamsters.org
International Brotherhood of Teamsters
25 Louisiana Ave., NW
Washington, DC 20001
Telephone: (202) 624-6940

Attorneys for IBT, *Pro Hac Vice*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KATHLEEN PAULSEN; et al, on behalf
themselves, and on behalf of all others
similarly situated,

Plaintiffs,

v.

LOCAL NO. 856 OF INTERNATIONAL
BROTHERHOOD OF TEAMSTERS;
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS; JOE MARTINELLI; and
DOES 1 through 50, inclusive,

Defendants.

Case No. C08-3109 EDL

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING INITIAL CASE
MANAGEMENT CONFERENCE**

1 IT IS HEREBY STIPULATED AND AGREED UPON by the parties and their respective
2 counsel of record that the Initial Case Management Conference (“CMC”), presently set for
3 December 23, 2008 at 10:00 a.m. be continued for a period of approximately ninety days to allow
4 defendants an opportunity to respond to the recently amended complaint and provide the parties
5 an opportunity to prepare an Initial CMC Statement and Discovery Plan once the Court rules
6 upon defendants’ anticipated Motion to Dismiss. Plaintiff’s First Amended Complaint was filed
7 with the court on December 5, 2008. Defendants intend to file a Motion to Dismiss, however it
8 has not yet been filed and no hearing date has been set. Until the Court rules upon defendants’
9 Motion to Dismiss, it would be difficult for the parties to separate the issues to address before the
10 court in a Case Management Conference. The parties have also agreed to extend the time for
11 filing initial disclosures in accordance with the new Case Management Conference date.

12 Good cause exists to continue the Case Management Conference on the following
13 grounds. First, the parties’ attorneys previously attended a meet and confer conference to develop
14 a Joint Case Management Conference. However, at the time, there was a motion to dismiss
15 hearing pending and the attorneys were unable to complete the meet and confer conference as the
16 status of the pleadings were unclear in light of the pending Motions to Dismiss. Since that time,
17 plaintiffs have amended their complaint. Defendants’ responsive pleading to the First Amended
18 Complaint has not yet been filed, however defendants intend upon filing another Motion to
19 Dismiss. As a result, the preparation of a Joint CMC Statement and Discovery Plan would be
20 premature until defendants’ the Court has ruled on defendants’ Motion to Dismiss. Finally, the
21 parties are not making this request for any improper purpose, including delay. Instead, the parties
22 are making this request in order to promote judicial economy, including avoiding an unnecessary
23 Initial CMC hearing in which the parties are unable to address the pertinent issues to develop a
24 discovery plan and narrow the factual and legal issues for discovery and trial. The parties are
25 requesting a 90-day extension so as to provide enough time to bring the case at issue and not
26 burden the court with multiple stipulations.

27 ///

SO STIPULATED.

Dated: December 17, 2008

KAHN BROWN & POORE LLP

/s/

David M. Poore
Attorneys for Plaintiff

Date: December 17, 2008

BEESON, TAYER & BODINE

/s/

Andrew H. Baker
Attorneys for Defendants
Teamsters Local 856, Joseph Martinelli, and
Local Counsel for IBT

Date: December 17, 2008

International Brotherhood of Teamsters

/s/

Richard Gibson
Attorneys for Defendants
International Brotherhood of Teamsters, *Pro*
Hac Vice

///

///

///

///

///

///

///

///

///

///

[PROPOSED] ORDER

IT IS SO ORDERED. The Court finds that good cause exists to continue the Initial Case Management Conference. The Initial Case Management Conference is continued from December 23, 2008 to March 3, 2009, at 10:00 a.m. in Courtroom E, 15th Floor, San Francisco, California.

Dated: 12/18/08

